

### **REMARKS**

Claims 1- 8 are cancelled. New claims 13 – 20 are added. Claims 9 – 20 remain pending in the present application. The rejections set forth in the Office Action are respectfully traversed below.

#### **Rejections under 35 USC § 102**

Claims 9-12 were rejected under 35 USC § 102 over **Algots** et al. (USP 6,192,064). However, while the bulk of the Office Action from pages 3 to 5 appear to emphasize that functional limitations in an apparatus claim may not sufficiently distinguish over prior art, the Office Action noted that functional limitations in the apparatus claims may be considered as distinguishing over the prior art, if the claims recited the functional limitations in means-plus-function format. Since the Examiner believes that “the claims were *previously* in means-plus-function format” and since the Office Action admitted that the prior art does not teach or suggest the claimed control sequence, claims 9-12 were amended back into their respective original form to place these claims into condition for allowance.

New method claims 13-16 and new device claims 17-20 that realize a respectively claimed method also distinguish over the prior art. In particular, the Office Action stated that **Algots** does *not* disclose any particular order in which the driving of the element is done, and therefore, does not disclose “subsequently driving” as claimed (also in some of the new claims). The Office Action appears to agree that **Algots** does not teach or suggest the specifically claimed control sequence of the present invention, that takes full advantage of the quick response of the piezoelectric element versus the longer stroke of the stepper motor (as explained in the Amendment dated September 5, 2003). Since the functional limitations regarding specifically

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Reply to the Office Action dated November 18, 2003

claimed control sequences in the new claims are given patentable weight in distinguishing the prior art, new claims 13-20 are also in condition for allowance.

If, for any reason, it is felt that this application is not now in condition for allowance, or if the Examiner wishes additional explanations of the present invention, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that any fees are due in connection with the filing of this paper, please charge any fees to Deposit Account No. 50-2866.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**



John P. Kong  
Attorney for Applicant  
Reg. No. 40, 054

JPK:kal  
1250 Connecticut Avenue, N.W.  
Suite 700  
Washington, D.C. 20036  
(202) 822-1100

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